

## **MANSFIELD TOWNSHIP COMMITTEE MEETING**

**October 12, 2022**

Mayor Watters called the meeting to order at 7:35 pm and read the following OPMA statement: This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Express Times NJ Zone of the time, date, and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Farino, Mr. Hayes, Mrs. Mora Dillon, Mayor Watters. Mr. McGuinness - Absent

Salute to the flag was done by all.

### **PUBLIC PORTION – CONSENT AGENDA ITEMS**

Mayor Watters opened the Public Portion of the meeting for comments on the Consent Agenda Items.

Seeing none, the Public Portion for Consent Agenda Items was closed.

### **CLERK'S REPORT**

Mrs. Orlando reported:

- Updating of the license and permit applications has been completed
- eCode360 has been uploaded with all 2017-2022 agendas, minutes, ordinances, and resolutions. The public can now access these items through this portal which will cut down on office time processing OPRA Requests.
- Mrs. Orlando re-took the Clerk's exam today. Results will be in eight (8) weeks.

### **CFO REPORT**

Mrs. Mollineaux stated no report.

### **EMPLOYEES' REPORTS**

Mrs. Fascenelli reported:

- SWAC Meeting – Held October 6<sup>th</sup>. Had to be postponed to November 3<sup>rd</sup> for a bigger venue due to attendance of large crowd.
- Paper Shredding Event – Saturday, October 15<sup>th</sup>, 8 – 11 am at the DPW Garage.
- Electronic Waste, Scrap Metal, Large Rigid Plastics & Mercury Switch Thermostats Event

– Saturday, November 19<sup>th</sup>, 8:30 am – 12:30 pm at the DPW Garage.

### **ENGINEER’S REPORT**

No report due to Mr. Quamme’s absence.

### **LIAISONS’ REPORTS**

- Environmental Commission – No report
- Recreation Committee – Mrs. Mora Dillon reported the Rec building is up and waiting for the change order.
- Personnel – DPW will be meeting soon for contract.
- Land Use Board – Mr. Hayes stated the next LUB meeting is Monday, October 17<sup>th</sup>.
- Open Space, Farmland, Conservation, Historical Committee – No report

### **ORDINANCES**

#### **First Reading**

Mr. Hayes made a motion to approve the first reading of An Ordinance To Amend Chapter 117-3 Of The Code Of The Township Of Mansfield, Warren County, New Jersey Entitled Alcoholic Beverage Control, which was seconded by Mr. Farino.

Ayes: Mr. Farino, Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness

Abstain: None

#### **First Reading**

Mr. Hayes made a motion to approve the first reading of An Ordinance of the Township of Mansfield, County of Warren, State of New Jersey, Deleting in its Entirety Chapter 123 Entitled “Animal Control” and Replacing Same, which was seconded by Mr. Farino.

Ayes: Mr. Farino, Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness

Abstain: None

#### **First Reading**

Mr. Hayes made a motion to approve the first reading of An Ordinance Of The Township Of

Mansfield, County Of Warren, State Of New Jersey, Deleting Chapter 182 Entitled “Fees” And Replacing Same, which was seconded by Mr. Farino.

Ayes: Mr. Farino, Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness

Abstain: None

### **First Reading**

Mr. Hayes made a motion to approve the first reading of An Ordinance Of The Township Of Mansfield, County Of Warren, State Of New Jersey, Amending Chapter 215, Ordinance No. 2022-07, Of The Mansfield Township Code Regulating Short Term Rentals, which was seconded by Mr. Farino.

Ayes: Mr. Farino, Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness

Abstain: None

### **First Reading**

Mr. Hayes made a motion to approve the first reading of An Ordinance Of The Township Committee Of The Township Of Mansfield, County Of Warren, State Of New Jersey Amending Part III, “Land Use Legislation,” Chapter 360, “Administration And Procedures,” Section Four, “Definitions” Of The Revised General Ordinances Of The Township Of Mansfield Adding A Definition Of “Office.”, which was seconded by Mr. Farino.

Ayes: Mr. Farino, Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness

Abstain: None

### **Second Reading**

Mr. Hayes made a motion to Approve Ordinance Of The Township Of Mansfield, County Of Warren, State Of New Jersey, Deleting In Its Entirety Chapter 270 Entitled “Residential Property, Vacant And Abandoned”, And Replacing Same To Be Consistent With P.L. 2021, C. 444, which was seconded by Mrs. Mora Dillon.

Mayor Watters opened the meeting for public comment; seeing none, public portion was closed.

Ayes: Mr. Farino, Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness

Abstain: None

ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, DELETING  
IN ITS ENTIRETY CHAPTER 270 ENTITLED "RESIDENTIAL PROPERTY, VACANT AND ABANDONED", AND  
REPLACING SAME TO BE CONSISTENT WITH P.L. 2021, C. 444

**WHEREAS**, the Township of Mansfield is challenged to identify and locate responsible parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

**WHEREAS**, the Township of Mansfield finds that the presence of vacant and abandoned properties can lead to a decline in property value, create attractive nuisances, and lead to a general decrease in neighborhood and community aesthetic; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety, and welfare, and as may be necessary to carry out into effect the powers and duties conferred and imposed upon the Municipality by law; and

**WHEREAS**, pursuant to P.L. 2021, C. 444, the governing body of a municipality is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the municipality for which a summons and complaint in an action to foreclose on a mortgage has been filed; regulate the care, maintenance, security, and upkeep of such properties; and impose a registration fee on the mortgagee of such properties; and

**WHEREAS**, the Township has adopted Ordinance 2015-13 regulating the registration and maintenance of vacant and abandoned properties; and

**WHEREAS**, the Township has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interest of the health, safety, and welfare of its citizens and residents to impose registration and certification requirements on abandoned, vacant, and foreclosed properties located within the Township's borders; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey as follows:

**Section 1:**

The Mansfield Township Code, Chapter 270 entitled "Residential Property, Vacant and Abandoned" is deleted in its entirety and is replaced as follows:

**§ 270. Vacant Property Maintenance.**

**§ 270-1. Definitions**

The following words, terms, and phrases, when used in this Chapter, shall have the meanings

ascribed to them in this Section, except when the context clearly indicates a different meaning. VACANT AND ABANDONED REAL PROPERTY – As defined in accordance with N.J.S.A. 40:48-2.12s3(b)(8), shall mean property that is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, because of the presence or finding of at least two of the following:

- (a) Overgrown or neglected vegetation;
- (b) The accumulation of newspapers, circulars, flyers, or mail on the property;
- (c) Disconnected gas, electric, or water utility services to the property;
- (d) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (e) The accumulation of junk, litter, trash, or debris on the property;
- (f) The absence of window treatments such as blinds, curtains, or shutters;
- (g) The absence of furnishings and personal items;
- (h) Statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- (i) Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- (j) Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) A risk to the health and safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (n) A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (o) Any other reasonable indicia of abandonment.

APPLICABLE CODES – means to include, but not be limited to, the Mansfield Township Code of Ordinances (Township Municipal Code), and the New Jersey Building Code.

CREDITOR – As defined in accordance with N.J.S.A. 40:48-2.12s2(d), means state-chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the “New Jersey Residential Mortgage Lending Act,” sections 1 through 39 of P.L. 2009, C. 53 (N.J.S.A. 17:11C-51 through 17:11C-89), and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers. For purposes of this section, a “creditor” shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or their agent or assignee, such as the servicer.

ENFORCEMENT OFFICER – means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Township of Mansfield to enforce the applicable code(s).

FORECLOSURE – means the legal process by which a mortgagee terminates a mortgagor’s interest in real property either to obtain legal and equitable title to the real property pledged as security for a debt or to force a sale of said property to satisfy a debt. For purposes of this article, this process begins upon the service of a summons and a complaint on the mortgagor on any interested party. For purposes of this article, the process is not concluded until the property is sold to a bona fide purchaser not related to the mortgagee in an arm’s length transaction, whether by Sheriff’s sale, private sale following a Sheriff’s sale, or private sale following the vesting of title in the mortgagee pursuant to a judgment.

MORTGAGEE – means the creditor, including but not limited to, lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee to the creditor’s rights, interests, or obligations under the mortgage agreement, excluding governmental entities as assignee or owner.

PROPERTY MANAGEMENT COMPANY – means a local property manager, property Maintenance Company or similar entity responsible for the maintenance of abandoned property.

VACANT – means any building or structure that is not legally occupied.

**§ 270-2. Applicability.**

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Township of Mansfield above and beyond any other state, county, or local provisions for same.

**§ 270-3. Establishment of Registry.**

Pursuant to the provisions of § 270-4, the Township of Mansfield or its designee shall establish a vacant and abandoned property registry containing the information required by this Article.

**§ 270-4. Registration of Property.**

- a) Any creditor who holds a mortgage or equity lien on real property located within the Township shall perform an inspection of the property to determine vacancy or occupancy, upon the commencement of foreclosure as evidenced by a foreclosure filing. The creditor shall, within ten (10) day of the inspection, register the property with the Township Code Enforcement Official, or its designee, on forms or website access provided by the Township, and indicate whether the Property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- b) If the property is occupied but remains in foreclosure, it shall be inspected by the creditor or his designee monthly until (1) the mortgagor or other party remedies the foreclo-

sure, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Township.

- c) Registration pursuant to this Section shall contain the name of the creditor and the servicing entity, if any, the direct mailing address of the mortgagee and the servicing entity, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.
- d) A non-refundable annual registration fee in the amount of five-hundred dollars (\$500.00) per property shall accompany the registration form or website registration. On each anniversary date of the initial registration, the creditor shall submit a renewal registration fee as follows: 1) five hundred dollars (\$500.00) per property annually for any property that is required to be registered because a summons and a complaint in an action to foreclose was filed by the creditor; and 2) an additional two thousand dollars (\$2,000.00) per property annually if the property is vacant and abandoned pursuant to the definition in the ordinance when the summons and complaint in complaint in an action to foreclose is filed, or becomes vacant and abandoned pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure.
- e) If the property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the annual registration fee shall be charged for every thirty-day period (30), or portion thereof, that the property is not registered and shall be due and payable with the registration.
- f) All registration fees must be paid directly from the creditor, Mortgagee, Servicer, or Trustee. Third Party Registration fees are not allowed without the consent of the Township and/or its authorized designee.
- g) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- h) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security, and maintenance standards of this section as long as they remain in foreclosure.
- i) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- j) Failure of the creditor to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this Chapter is a violation of the Chapter and shall be subject to enforcement.

- k) Pursuant to any administrative or judicial finding and determination that any property is in violation of this Chapter, the Township may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.
- l) Registration of foreclosure property does not alleviate the creditor from obtaining all required licenses, permits, and inspections required by applicable codes or applicable State Statutes.
- m) If the mortgage and/or servicing on a property is sold or transferred, the new creditor is subject to all terms of this Chapter. Within ten (10) days of the transfer, the new creditor shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during the creditor's involvement with the Registrable Property.
- n) If the creditor sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the update registration. The previous creditor will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that creditor's involvement with the Registrable Property.

**§ 270-5. Maintenance Requirements.**

- a) Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- b) Properties subject to this Article shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with all applicable code(s) at the time registration was required.
- d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt, or similar material.

- e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- g) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable Code(s) and issuance of a citation or Notice of Violation in accordance with this Chapter and Chapter 384 (“Nuisances, Public Health”) of the Township Code. Pursuant to a finding and determination by the Township Code Enforcement Officer or a Court of competent jurisdiction, the Township may take the necessary action to ensure compliance with this Section.
- h) In addition to the above, the property is required to be maintained in accordance with the applicable Code(s).

**§ 270-6. Security Requirements.**

- a) Properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.
- c) If a mortgage on a property is in default, and the property has become vacant and abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable law(s).

**§ 270-7. Public Nuisance.**

All vacant and abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Township.

**§ 270-8. Violations and Penalties.**

Any person who shall violate the provisions of this Chapter shall be cited and fined by one or more of the following: imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not less than five hundred dollars (\$500.00) or exceeding one thousand two hundred and fifty dollars (\$1,250.00); or by a period of community service not exceeding ninety (90) days.

Any person who is convicted of violating this Chapter within one year of the date of a previous violation of the same Section, and who was fined for the previous violation, shall be sentenced by a Court to an additional fine as a repeat offender. The additional fine imposed by the Court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the violation of this Chapter.

**§ 270-9. Inspections for Violations.**

Adherence to this Chapter does not relieve any person, legal entity, or agent from any other obligations set forth in any applicable Code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable Code(s).

**§ 270-10. Additional Authority.**

- a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before a Court of competent jurisdiction as soon as possible to address the conditions of the property.
- b) The Code Enforcement Officer shall have the authority to require the mortgagee and/or owner of record of any property affected by this Section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Code Enforcement Officer may direct the Municipality to abate the violations and charge the mortgagee with the cost of abatement.
- d) If the mortgagee does not reimburse the Township for the cost of temporarily securing the property, or of any abatement directed by the code enforcement board of special magistrate, within thirty (30) days of the Township sending the mortgagee the invoice, then the Township may lien the property with such cost, along with an administrative fee of five hundred dollars (\$500.00) to recover the administrative personnel services.

**§ 270-11. Opposing, Obstructing Enforcement Officer; Penalty.**

Whoever opposes, obstructs, or resists any enforcement officer or any person authorized by the Code Enforcement Office in the discharge of duties as provided in this Chapter shall be punishable as provided in the applicable Code(s) or a Court of competent jurisdiction.

**§ 270-12. Immunity of Enforcement Officer.**

Any enforcement officer or any person authorized by the Township to enforce the Sections contained herein shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this Chapter.

**Section 2. Repealer.**

Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Mansfield inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

**Section 3. Severability.**

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction the remainder of this Ordinance shall remain in full force and effect.

**Section 4. Effective Date.**

This Ordinance shall take effect upon final passage and publication as provided by law.

**Second Reading**

Mr. Hayes made a motion to approve An Ordinance Amending Ordinance 2022-03 to Appropriate an Additional \$30,000.00 for the Construction of a Recreation Pole Barn, which was seconded by Mrs. Mora Dillon.

Mayor Watters opened the meeting for public comment; seeing none, public portion was closed.

Ayes: Mr. Farino, Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness

Abstain: None

An Ordinance Amending Ordinance 2022-03 to Appropriate an Additional \$30,000.00  
for the Construction of a Recreation Pole Barn

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD:**

**WHEREAS**, the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey adopted Ordinance 2022-03 on May 11, 2022 to appropriate \$50,000.00 from the State of New Jersey Local Recreation Improvement Grant, and \$125,000.00 from the Open Space Trust Fund; and

**WHEREAS**, the Township Committee now seeks to appropriate an additional \$30,000.00 to provide for the Recreation Pole Barn. Said improvements and purposes shall include, but at not limited to, interior design and engineering fees;

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey as follows:

1. The amount of \$30,000.00 is hereby appropriated from the Open Space Trust Fund.
2. There is no debt incurred by this Ordinance.

3. This ordinance shall take effect immediately after final passage, approval, publication as provided by law.

## **Second Reading**

Mr. Hayes made a motion to approve Ordinance of the Township of Mansfield, County of Warren, State of New Jersey, Deleting in its Entirety Chapter 37 Article II Entitles “Junior Firefighter’s Auxiliary” and Replacing Same to be Consistent With N.J.S.A. 40A:14-95 through N.J.S.A 40A:14-98, which was seconded by Mrs. Mora Dillon.

Mayor Watters opened the meeting for public comment; seeing none, public portion was closed.

Ayes: Mr. Farino, Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness

Abstain: None

Ordinance of the Township of Mansfield, County of Warren, State of New Jersey, Deleting in its Entirety Chapter 37 Article II Entitles “Junior Firefighter’s Auxiliary” and Replacing Same to be Consistent With N.J.S.A. 40A:14-95 through N.J.S.A 40A:14-98

### **BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD:**

**WHEREAS**, Chapter 37 of the Township Code governs the Township of Mansfield’s Volunteer Fire Companies; and

**WHEREAS**, the Volunteer Fire Companies of the Township of Mansfield have collectively requested that Chapter 37 Article II be amended to reflect changes pursuant with N.J.S.A. 40A:14-95 through N.J.S.A. 40A:14-98;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that:

#### **Section 1:**

The Mansfield Township Code, Chapter 37 Article II entitled “Junior Firefighter’s Auxiliary” is deleted in its entirety and is replaced as follows:

#### **§ 37 Article II Junior Firefighters’ Auxiliary**

##### **§ 37-9**

A Junior Firefighters’ Auxiliary is created within the Township of Mansfield, County of Warren, State of New Jersey, pursuant to authorizations set forth in N.J.S.A. 40A:14-95

### § 37-10 Age Restrictions

- A. The Junior Firefighters' Auxiliary is to serve as a training program for young men and women, aged 14-18, who are interested in serving their community and preparing to become active firefighters upon reaching the age of 18. At age 18, Junior Firefighters are eligible to attend the Firefighter Course to become a full member of their respective Fire Company upon successful completion. The ultimate goal of the Junior Firefighters' Auxiliary Program is to provide future members for the Township of Mansfield Fire Companies.
- B. Prior to being accepted for membership in the Junior Firefighters' Auxiliary, a person eligible pursuant to subsection A of this section shall:
  - 1. Obtain permission to join the auxiliary from the person's parents or guardians. Permission shall be granted in writing on official Fire Company letterhead;
  - 2. Complete an application and be interviewed by officers of the Fire Company with a parent or guardian present; and
  - 3. Submit documentation from a qualified physician verifying that the person is medically able to perform activities of the auxiliary as established by the governing body of the Township of Mansfield pursuant to N.J.S.A. 40A:14-98

### § 37-11 Insurance Coverage

Members of the Junior Firefighters' Auxiliary shall be covered by Township Workers' Compensation.

### § 37-12 Rules and Regulations Governing Junior Firefighters' Auxiliary.

- A. Auxiliary members over 16 years of age  
Pursuant to N.J.S.A 40A:14-98, Auxiliary members who are **16 years of age or older** may fully participate in recruit firefighter training established by the rules and regulations adopted by the Commissioner of Community Affairs. The rules and regulations shall provide for training of the Auxiliary firefighter for eventual full membership of the Fire Company. The junior firefighter may only perform these duties if:
  - 1) The Junior Firefighter has been appropriately and adequately trained to perform the duties;
  - 2) The Junior Firefighter is appropriately and adequately supervised in performing those duties at the training event or emergency incident;
  - 3) The Junior Firefighter has satisfied all requirements pursuant to **§ 39-10 Section B**
- B. Auxiliary members under 16 years of age  
Pursuant to N.J.S.A 40A:14-98, Auxiliary members who are under 16 years of age shall be limited to:
  - 1) Attending meetings of the Junior Firefighters' Auxiliary;
  - 2) Receiving instruction;
  - 3) Participating in training as established by regulations adopted by the Commissioner of Community Affairs that **does not** involve fire, smoke, toxic or noxious gas, or hazardous materials or substances; and
  - 4) Observing firefighting activities, while under supervision

**§ 37-13 Incorporation of Rules**

All rules and regulations established by any Volunteer Fire Company in the Township of Mansfield regarding the Junior Firefighters’ Auxiliary must be approved by the Township Committee and shall be incorporated herein by reference.

A copy of the same shall be on file with the Township Clerk at all times together with a copy of the same being available to the parent or guardian of any member of a Junior Firefighters’ Auxiliary through the Fire Chief of the individual fire company.

**Section 2. Repealer.**

Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Mansfield inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

**Section 3. Severability.**

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction the remainder of this Ordinance shall remain in full force and effect.

**Section 4. Effective Date.**

This Ordinance shall take effect upon final passage and publication as provided by law.

**Second Reading**

Mr. Hayes made a motion to approve An Ordinance To Amend Ordinance 2020-06 Of Township Of Mansfield, Warren County, New Jersey Entitled An Ordinance Of The Township Of Mansfield, County Of Warren, State Of New Jersey, Amending General Ordinances To Create The Position Of Assistant Department Of Public Works Supervisor, which was seconded by Mr. Farino.

Mayor Watters opened the meeting for public comment; seeing none, public portion was closed.

Ayes: Mr. Farino, Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness

Abstain: None

AN ORDINANCE TO AMEND ORDINANCE 2020-06 OF TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY ENTITLED AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING GENERAL ORDINANCES TO CREATE THE POSITION OF ASSISTANT DEPARTMENT OF PUBLIC WORKS SUPERVISOR

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD:**

**SECTION 1:**

Ordinance 2020-06 Township of Mansfield is hereby amended as follows [deleted language ~~double strikethrough~~]:

The Township's Salary Ordinance shall reflect that the annual stipend for the Assistant Department of Public Works Supervisor position shall be \$2,000.00 per year. ~~The intent of the stipend is to pay for the classes required for the Assistant Supervisor to obtain his or her Certified Public Works Manager Certification.~~

**SECTION 2:**

This Ordinance may be renumbered for codification purposes.

**SECTION 3:**

All Ordinances of the Township of Mansfield which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**CONSENT AGENDA**

Each of the following resolutions A – G & J were presented before the Township Committee at the October 12, 2022, meeting and have the unanimous approval of all the members of the Township Committee, with the same legal effect as though each was read in its entirety at the October 12, 2022, meeting and adopted by separate vote.

Motion by Mr. Hayes, second by Mrs. Mora Dillon.

Ayes: Mr. Farino Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness

Abstain: None

Authorizing Hiring Permanent Part Time DPW Laborer

**WHEREAS**, due to vacancy, the Township Committee of the Township of Mansfield authorized the Personnel Liaisons to conduct a search for the purpose of identifying an individual to hire as a Permanent Part Time DPW Laborer; and

**WHEREAS**, the Personnel Liaisons have received applications and conducted such interviews and investigations of applicants as appropriate and consistent with the Township's policies and procedures; and

**WHEREAS**, the Personnel Liaisons have determined that Pasqualino Petrocelli possesses the character and qualifications necessary to serve as Permanent Part Time DPW Laborer for the Township of Mansfield; and

**WHEREAS**, the salary recommended is \$23/hourly;  
**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey that Pasqualino Petrocelli is hereby hired as a Permanent Part Time DPW Laborer, effective October 13, 2022.

Authorizing and Appointing Assistant Department of Public Works Supervisor

**WHEREAS**, the Township of Mansfield has determined there is a need for an Assistant DPW Supervisor; and

**WHEREAS**, the Township Committee has determined that John Simms is capable and qualified to serve in the position; and

**WHEREAS**, Ordinance Number 2020-14 established the salaries and wages for the employees of the Township of Mansfield, County of Warren, State of New Jersey

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey that John Simms shall be appointed Assistant DPW Supervisor with the stipulations below:

1. The salary stiped of \$2,000.00 shall be prorated for the year 2022.
2. The Township of Mansfield shall pay for John Simms to obtain his CPWM classes as per the Education Policy in the Township Employee Handbook.

Authorizing Refund of Outside Employment of Off-Duty Police - Walmart

**WHEREAS**, Walmart issued checks in 2020 for Outside Employment of Off-Duty Police (quasi-public matters) account with The Township of Mansfield, County of Warren; and

**WHEREAS**, there is a remaining balance of \$ 50.00 in their account.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Finance Office be authorized to refund the amount of \$ 50.00 to Walmart.

Authorizing In-Rem Foreclosure Proceedings

**WHEREAS**, Resolution 22-165 authorized certain parcels for In-Rem Foreclosure; and

**WHEREAS**, the eligibility of some parcels has changed; and

**WHEREAS**, the Certified Tax Collector of the Township of Mansfield, Warren County, NJ has prepared the attached In-Rem Foreclosure List, and;

**WHEREAS**, it is the desire of the Township Committee to institute an in-rem foreclosure against the properties as set forth, and;

**WHEREAS**, it is in the best interest of the municipality to institute such proceedings,

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mansfield,

Warren County, NJ this 12<sup>th</sup> of October 2022 that Resolution 22-165 is hereby repealed and the Tax Sale Certificates on the attached Tax Foreclosure List, now held by the Township of Mansfield be foreclosed by summary proceedings, in-rem, and as described and set forth in NJSA 54:5-104 et seq., as amended, and pursuant to the Rules of Civil Practice of the Supreme Court of the State of New Jersey.

**Tax Foreclosure List  
Township of Mansfield**

Schedule Number	Certificate Of Tax Sale Number	Name of Owner as it appears on last tax duplicate & in certificate of tax sale	Description of land as it appears on tax duplicate & in certificate of tax sale Block / Lot	Date of Tax Sale	Amount of Sale \$	Amount of tax liens Accruing subject to tax Sale including interest, Penalties & costs as of	Amount to redeem as of	Date of recording Certificate of Tax Sale	Recorded in Book:Page
	2001-024	Unknown	1201 / 10	9/06/2021	34.40			09/19/2001	2481 / 195
	17-00069	Sutton, Dorothy	703.02 / 31	11/29/2017	3,105.00			1/31/2018	6545 / 179
	19-00002	Bleeker, John & Susan	1105.10 / 3.06	12/05/2019	1,285.83			12/16/2019	6798 / 319
	16-00052	Pool, Harry R Jr & Fang, Hong	1702 / 8.01	12/01/2016	13,744.87			2/6/2017	6401 / 31
	16-00049	Dioguardi, Viginia Est	1402 / 19	12/01/2016	503.39			2/6/2017	6409 / 28
	68	Polucastro, Mrs. A.J.	3201 / 2	12/29/1951	92.25				
	2009-027	Capone, James J Jr	2812 / 1	9/29/2009	869.30			10/16/2009	5217 / 183
	2009-030	Capone, James J Jr	2812 / 11	9/29/2009	340.34			10/16/2009	5217 / 192
	2009-031	Capone, Jr James J Jr	2812 / 12	9/29/2009	233.65			10/16/2009	5217 / 195
	2009-028	Capone, James J Jr	2812 / 2	9/29/2009	116.41			10/16/2009	5217 / 186
	2009-029	Capone, James J Jr	2812 / 3	9/29/2009	65.71			10/16/2009	5217 / 189

**Warren County, NJ**

Authorizing Assessment Tax Record Adjustment – Block 1305 Lot 2.0101

**WHEREAS**, a review of the 2021 property tax records by the Assessor has revealed taxes were posted for Block 1305 Lot 2.0101 for the 2<sup>nd</sup> half of 2021 although the parcel had been subdivided and was now exempt; and

**WHEREAS**, this change in tax exempt status was not uncovered before the 2021 tax bills were prepared; and

**WHEREAS**, this tax exemption has resulted in an overstated and incorrect tax billing by the Collector for 2021; and

**WHEREAS**, correcting the exempt status will result in a cancellation of 2021 property taxes for this parcel in the amount of \$954.41; and

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Mansfield this 12th day of October 2022 that the Tax Collector be directed to cancel 2021 property taxes in the amount of \$954.41 for this parcel. The Tax Collector is further directed to correct and adjust any associated tax records in order to proper reflect this cancellation as well as its effect on future billings.

Authorizing Tax Refund – 100% Disabled Veteran – Block 1806 Lot 12

**WHEREAS**, Robert Phoebus is the owner of real property located at 105 High View Terrace, known as Block 1806 Lot 12, within the Township of Mansfield, County of Warren, State of New Jersey; and

**WHEREAS**, the owner of the above-mentioned property is qualified as a totally disabled veteran in Mansfield as of August 31, 2022 and is therefore tax exempt creating the need to cancel property taxes beyond such date;

**WHEREAS**, Q3 / 2022 property taxes were paid for the entire quarter including the portion for which the exemption was granted and therefore the property owner is entitled to a refund of that portion of the payment which is now tax exempt;

**NOW, THEREFORE BE IT RESOLVED** that the Tax Collector and the Finance Department be authorized by the Mayor and Township Committee to refund the property owner the amount of **\$559.07** for the exempt period.

Robert Phoebus  
105 High View Terrace  
Hackettstown, NJ 07840

Granting Unpaid Sick Leave for a Municipal Court Employee (Deputy Court Administrator)

**WHEREAS**, the Township Committee (“Committee”) of the Township of Mansfield (“Township”) finds and declares that Rosaura Murillo-Romero (“Employee”) is an employee of the Mansfield Township Municipal Court; and

**WHEREAS**, the Committee further finds and declares that the Employee will be out of work on unpaid leave as of October 3, 2022; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Mansfield does hereby grant unpaid leave to the Township Employee, Rosaura Murillo-Romero, during the period of October 3, 2022 through October 16, 2022; and

**BE IT FURTHER RESOLVED**, that the Acting Township Clerk be and is hereby directed to formally notify the Public Employees’ Retirement System of said status and to cause the same to be included in the records maintained for said employee.

Authorizing Payment of Municipal Obligations

**WHEREAS**, the Township Committee of the Township of Mansfield, County of Warren, finds and declares that certain municipal obligations have come due and are now payable; and

**WHEREAS**, the Township Committee further finds and declares that said obligations have been itemized on the annexed schedules, which are hereby deemed part of this Resolution;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Mansfield does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Deputy Treasurer, from the following accounts and in the following amounts:

PREPAID LIST	
CURRENT	\$119,881.64
CAPITAL	
TRUST	\$
DOG	\$
RECREATION	
OPEN SPACE	\$
DEV ESCROW	
UNEMPLOYMENT	\$29.79
TAX PREMIUM	
MANDATORY DEV	
OUTSIDE EMPLOY	
<b>TOTAL</b>	<b>\$141,999.46</b>

BILLS LIST	
CURRENT	\$697,129.73
CAPITAL	\$90,778.00
TRUST	\$
DOG	\$43.80
RECREATION	\$
OPEN SPACE	\$
DEV ESCROW	\$2,582.75
UNEMPLOYMENT	\$271.77
TAX PREMIUM	\$
MANDATORY DEV	\$
OUTSIDE EMPLOY	\$50.00
GREEN TEAM	\$
<b>TOTAL</b>	<b>\$790,856.05</b>

Mrs. Mora Dillon withdrew from item I. To be discussed in Executive Session.

Mr. Hayes withdrew from Consent Agenda item H.

Mr. Farino made a motion to approve Consent Agenda item H, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness

Abstain: Mr. Hayes

Authorizing Emergency Repair – Claremont Rd

**WHEREAS**, an emergency situation developed, which could not have been reasonably foreseen, with respect to a water main break on Claremont Rd that caused road damage; and

**WHEREAS**, pursuant to the Local Public Contracts Law, N.J.S.A.40A:11-6, a contract may be awarded without public advertising for bids and bidding when an emergency affecting the public health, safety or welfare requires the immediate performance of the services; and

**WHEREAS**, the Township Committee is satisfied that the proposed emergency procurement is justified and meets the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11 -6, and regulations promulgated thereto. N.J.A.C.5:34-6.1.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey that:

1. The Township Committee declares that an emergency exists with respect to the immediate need to make road repairs on Claremont Road
2. The CFO is authorized and directed to make payment without public bidding in accordance with N.J.S.A.40A:11-6 and NJ.AC.5:34-6.1, to Harrington & Sons, Inc. in the amount not to exceed \$15,000.00 for the provision of emergency services as necessary for the repair work
3. This Resolution shall take effect as provided by law

**COMMITTEE ANNOUNCEMENTS AND COMMENTS**

Mrs. Mora Dillon thanked Mr. Farino, Committeeman and Firefighter, for his efforts in aiding a fire late Saturday night, October 8<sup>th</sup>, at Riedel's Farm on Rt. 57. He received a call from Chief Brian that they were in need of a backhoe to push brush to put out a fire. It was also needed to pull a fire truck out of the mud. Then again on Sunday at 9:30 am there was a request for the DPW backhoe due to the fire again. The Mayor received a letter from Chief Brian requesting the backhoe. Mr. Farino's actions saved Township taxpayers at least \$6,000 in getting a backhoe and an operator.

Mr. Hayes will be out of town on November 23<sup>rd</sup>.

**PUBLIC PORTION**

Mayor Watters opened the Public Portion of the meeting for comments.

Glen Wayne, 10 Country Meadow Road, asked about what was going on with the Ridge Creek project on Blau Road. Appears they are building a road to Rt. 57 for an 800 sq ft wood chipping facility. Both the residents and the Committee have concerns about it. Mr. Hayes stated it's on the agenda for the Land Use Board Meeting on Monday.

Andrew Gewain, 1 Country Meadow Road, also asked about Ridge Creek. Stated it looks as if

they a burrowing a road through to the dump. There are too many coincidences between them and the food dump. Mr. Hayes stated the application has to go to the DEP first.

John General, 54 Country Meadow Road, asked about the library referendum on November's ballot. His concerns are the building conversion and restoration expenses, initial start-up costs, proposed operating budget, parking, ADA compliance, and if equivalent resources will be available like the county library. Mr. General stated the tax decrease stated on the website is deceiving. Mayor Watters addressed some of the concerns and invited the community to become involved with what our library will offer. We will not rely on State funding due to the strings attached. Mrs. Mora Dillon stated we are on the last stages of completion and work is being paid for by historical funding.

Jon Kastr, 45 Blau Road, asked what the agenda item #17 - \$30K for Recreation Pole Barn was for. Mayor Watters explained how the old building was in disrepair and how the new one is being paid for. Mr. Kastr also voiced concerns over the Ridge Creek property and how part of it is zoned for residential property for 15-17 homes. New owner is building an 895 sq ft building and clearing all the land. He has concerns about its connections to the food dump. Mr. Hayes invited him to attend the Land Use Board Meeting on Monday night.

Mayor Watters asked for further comments from the public; seeing none, the public portion was closed.

### **EXECUTIVE SESSION**

Mayor Watters announced moving into Executive Session at 8:20 pm

Mr. Hayes made a motion to go into Executive Session which was seconded by Mrs. Mora Dillon. **WHEREAS**, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and **WHEREAS**, this public body is of the opinion that such circumstances presently exist; and **WHEREAS**, the Governing Body wishes to discuss:

- Attorney/client privilege matter dealing with trees
- Personnel contractual dealing with court
- Real Estate
- EMS/Fire
- Driveway

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

**NOW THEREFORE BE IT RESOLVED** that the public be excluded from this meeting.

Ayes: Mr. Farino Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None  
Absent: Mr. McGuinness  
Abstain: None

### **RETURN FROM EXECUTIVE SESSION**

Return from Executive Session at 9:17 pm.

Mr. Hayes made a motion to come out of Executive Session, which was seconded by Mrs. Mora Dillon.

Roll Call: Mr. Farino, Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Mr. Lavery announced the return from Executive Session where they discussed:

- Personnel contractual dealing with court
- Real Estate dealing with Risiko property
- EMS/Fire contractual
- Attorney/Client privilege matter dealing with a driveway
- DPW contractual

No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no longer a harm to the public interest.

Mr. Lavery requested a motion to authorize the Mayor to sign the police officer's retirement separation agreement discussed in Executive Session.

Mr. Hayes made a motion to authorize the Mayor to sign the Police retirement separation agreement as discussed in Executive Session, which was seconded by Mrs. Mora Dillon. A resolution will be prepared for the next meeting.

Ayes: Mr. Farino Mr. Hayes, Mrs. Mora Dillon, Mayor Watters  
Nays: None  
Absent: Mr. McGuinness  
Abstain: None

Mr. Lavery requested a motion to authorize sick time to be donated to the employee discussed in Executive Session.

Mr. Hayes made a motion to authorize sick time to be donated to the employee discussed in Executive Session, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Farino Mr. Hayes, Mrs. Mora Dillon, Mayor Watters  
Nays: None

Absent: Mr. McGuinness

Abstain: None

Mr. Lavery requested a motion to authorize a change in Mrs. Grillo's driveway from 16 to 20 feet and to pave an additional area near her deck so she can walk in to her kitchen as discussed in Executive Session subject to zoning approval in writing.

Mr. Hayes made a motion to authorize a change in Mrs. Grillo's driveway from 16 to 20 feet and to pave an additional area near her deck so she can walk in to her kitchen as discussed in Executive Session subject to zoning approval in writing, which was seconded by Mr. Farino.

Ayes: Mr. Farino Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness

Abstain: None

Mr. Hayes made a motion approve Consent Agenda item I, which was seconded by Mr. Farino.

Ayes: Mr. Hayes, Mrs. Mora Dillon pulling out items 22008112 & 22008113, Mayor Watters

Nays: None

Absent: Mr. McGuinness

Abstain: Mr. Farino

Mrs. Mora Dillon made a motion to advertise for a new Clerk, which was seconded by Mr. Farino.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness

Abstain: Mr. Hayes

Mrs. Mora Dillon made a motion to adjourn at 9:24 pm, carried unanimously.

Respectfully submitted,  
Illena Raffaele  
Deputy Clerk/Registrar